IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO: 16139 of 2004

Between:

K.V.Rambabu, S/o K.Ramakistaiah,
R/o Flat No.201, Siri Towers, Near Maitri Hospital, Ameerpet,
Hyderabad.

..... PETITIONER

AND

1 The Divisional Co-operative Officer, Golconda Division,

Hyderabad Urban Div. Near Exhibition Grounds, Hyderabad
2 Sale Officer, Office of the Divisional Officers, Golconda

Division, Near Exhibition Grounds, Hyderabad
3 The Mega City Co-op Urban Bank Ltd. rep.by its Liquidator,

Diamond Complex, Abids, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction especially one in the nature of Writ of Mandamus calling for the records relating to the surcharge order passed by the 1st respondent herein in Rc.No.2488/2001/B, dated 20-7-2004, and declaring it as illegal, arbitrary, and set aside the same, consequently and direct the respondents to enquire in to the matter properly.

Counsel for the Petitioner: MR.Y.KOTESWAR RAO

Counsel for the Respondents 1 and 2: GP FOR COOPERATION, MR.S.M.HUSSAIN

The Court at the stage of admission made the following:

HONOURABLE MS.JUSTICE G.ROHINI

WRIT PETITION NO.16139 OF 2004

ORDER:

Admittedly, against the impugned order, an alternative remedy is available under Section 76 of the A.P. Co-operative Societies Act, 1964 (for brevity 'the Act'), by way of an appeal to the Tribunal. Without exhausting the said alternative remedy, this writ cannot be maintained.

Accordingly, granting leave and liberty to the petitioner to workout the alternative remedy available under the Act, this Writ Petition is disposed of. No costs.

MS.G.ROHINI, J

10th September, 2004

SKM

To

1 The Divisional Co-operative Officer, Golconda Division,

Hyderabad Urban Div. Near Exhibition Grounds, Hyderabad
2 Sale Officer, Office of the Divisional Officers, Golconda

Division, Near Exhibition Grounds, Hyderabad
3 The Liquidator, Mega City Co-op Urban Bank Ltd.,

Diamond Complex, Abids, Hyderabad

4 Two C.Cs. to G.P. for Co-operation,

High Court Buildings,

High Court of A.P., Hyderabad, (OUT)

5 Two C.D.copies.